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UNCLAS SECTION 01 OF 02 NIAMEY 000582

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SUBJECT: Niger: Provisional Referendum Results Released,
Opposition Reacts

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11. Summary: On August 7, the Independent National Electoral Commission (CENI) announced the provisional results of the August 4 referendum on a new constitution. CENI stated that "yes" votes in favor of the new constitution won with 92.5 percent of the vote. Furthermore, CENI stated that 68 percent of eligible voters cast ballots. While the president's supporters expressed their full satisfaction with the results, opposition political parties and civil society regarded the referendum as a sham and the results as a gross inflation of figures, particularly for the rate of participation, which they argued was as low as below five percent. The referendum process and apparent results raise many questions about the future of Niger's young democracy. End summary.

CENI: Referendum Turnout 68%; Passes with 92.5% of Vote

12. On August 7, CENI announced that 4,126,198 of 6,045,940 of those registered voted during the August 4 referendum for a new constitution, with 19,079 out of 19,307 polling stations reporting. According to CENI, 3,704,557 (92.5 percent) voted for its passage, extending President Tandja in office three years, dropping presidential term limits, and adding powers to the executive branch. CENI also announced voter turnout of 68.26 percent, an unprecedented number since 1987, when Niger was under a military regime.

GON Notes Satisfaction with Results, Participation

13. The Government of Niger (GON), which had already indicated a "very high" voter turnout (ref A) and anticipated a "massive yes" vote expressed full satisfaction with the referendum results. On August 6, Minister of Interior, Public Security, and Decentralization Albade Abouba praised the people's "exceptional participation, which is at the same time the result of the will of the people, who requested this referendum, but also...the serious voter registration drive." On August 7, Minister of Communication and Government Spokesperson Mohamed Ben Omar said, "Such a result had never been seen in our country's electoral history. This vote was as good as we had hoped."

Opposition Rejects New Constitution, Stands by One of 1999

14. On August 6, in anticipation of the referendum results, the Coordination of Forces for Democracy and the Republic (CFDR), an

opposition coalition of political parties, civil society organizations, and labor unions, claimed during a press conference that the voter turnout rate was "under five percent." The CFDR further said that the people's "general boycott" on August 4 was an indication of its rejection of the president's "autocratic" project. For the CFDR, "...the referendum of August 4, 2009, organized in violation of the laws of the Republic and rejected by the sovereign people is...null and void. The August 9, 1999 constitution is and remains the only fundamental law of the Nigerien people." On August 8, the CFDR held another press conference at which it reiterated its rejection of the new constitution and vowed to defend the August 1999 constitution and fight against President Tandja's "completion of a coup d'etat" and "his attempt to establish a dictatorship."

Next Steps: Validation and Promulgation

¶5. CENI has submitted the referendum results to the Constitutional Court, which will examine and validate them within 15 days. The President will promulgate the new constitution within eight days after the Constitutional Court has validated the results.

Comment:

¶6. While a number of observers noted low voter turnout, the GON and Tazarce (Note: "Let it continue" in Hausa, a term used by pro-administration supporters. End note.) partisans maintain the opposite view. Even so, the referendum raises several concerns, including:

-- The (previous) Constitutional Court had ruled it illegal, although President Tandja nonetheless proceeded to hold it;

-- Two of the three largest political parties, along with a sizeable portion of the ruling party bloc, several smaller parties, all seven

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of the country's trade union confederations, and the majority of civil society organizations, were against it;

-- Voter card distribution took place over a relatively short period of time, so many did not get their cards;

-- The vote took place during the rainy season, when many are busy with farming activities;

-- The GON National Commission on Human Rights and Fundamental Liberties, a group of civil society organizations supporting the Tazarce campaign, and an unknown group from the "African Diaspora" carried out the role of election observers, despite failing to show neutrality during the referendum process; and

-- The voter turnout and the "yes" vote percentages announced by CENI strain credulity.

¶7. The new Constitutional Court, recently appointed by President Tandja, will likely validate the results of the referendum. President Tandja will then enact the new constitution, obviating both the August 20 National Assembly and the November 14 presidential elections, and organize legislative and local elections for later in 2009 based on the new constitution. The debate has just started as to whether CFDR parties will participate in these elections. End comment.

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